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IN THE DRAWINGS

Please replace FIG. 5 with the appended revised FIG. 5 wherein reference numeral 500 (second occurrence) is replaced by reference numeral 504.

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REMARKS

Claims 1-40 are pending and Applicants herewith amend independent claims 1, 17, and 28-33. No new claims are added and no claim canceled.

Applicants respectfully request entry and favorable consideration of the amendments and remarks contained herein.

This Amendment After Final Rejection contains slight amendments intended to place the pending claims in condition for allowance and said response was not filed earlier due to the procedural posture of the application. Applicants respectfully suggest that entry of the slight amendments will not raise new issues or require additional search.

Claim Rejections Under 35 U.S.C. §102

Claims 1, 2, 4-13, 15-18, 20-34 and 36-38 stand rejected under 35 U.S.C. §102(b) as anticipated by Obel et al. (Obel).

Applicants respectfully assert that Obel did not in fact anticipate the claims as previously presented and certainly does not include all limitations of the presently presented claims. That is, each of the claims presented herewith include at least one limitation not found in Obel expressly or under principles of inherency (e.g., delivering a PESP or an overdrive pacing therapy in conjunction with the neuromodulation therapy). Accordingly, Applicants request that the Examiner withdrawn the rejection of claims 1, 2, 4-13, 15-18, 20-34 and 36-38 based solely upon Obel.

Claim Rejections Under 35 U.S.C. §103

Claims 3, 19, and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Obel in view of Adams (Adams). The rejected claims depend directly or indirectly from one of the independent claims and neither Obel nor Adams includes any disclosure or teaching regarding PESP or overdrive pacing

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therapy delivery. According, the combination of Obel and Adams cannot form a *prima facie* obviousness rejection and should be withdrawn.

Claims 14, 35, and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Obel in view of Sweeney et al. (Sweeney). The rejected claims depend directly or indirectly from one of the independent claims and neither Obel nor Sweeney includes any disclosure or teaching regarding PESP or overdrive pacing therapy delivery. According, the combination of Obel and Sweeney cannot form a *prima facie* obviousness rejection and should be withdrawn.

Applicants incorporate the above noted remarks regarding Obel and Adams and respectfully suggest that, as amended, Obel essentially fails as a primary reference for the obviousness rejection posted against the presently pending claims.

For example, the claims include limitations regarding the *automatic* and/or essentially (fully or partially) *closed loop* apparatus and methods for providing therapy for ventricular dysfunction, heart failure, imbalances of autonomic tone or endocrinological system or the like. In contrast, neither Obel nor Adams or Sweeney provide any such disclosure or any motivation or suggestion to somehow fashion such systems or methods.

Thus, Applicants suggest that the Examiner has failed to formulate a *prima facie* obviousness rejection and the ground of rejection should be withdrawn and the pending claims allowed to pass to timely issuance as U.S. Letters Patent.

Objection to the Drawings

Applicants herewith amend the specification so that the box depicted in FIG. 2 (captioned; "Pacing/High-Voltage Stimulation") is referred to in the context

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of the schematic box to which it connects. Thus, this objection has been met and should be withdrawn.

The Examiner objected to FIG. 5 due to the appearance of a redundant reference numeral ("500") and Applicants herewith submit a revised FIG. 5 wherein the second occurrence of reference numeral "500" has been changed to 504 (consistent with the written description).

Objections to the Specification

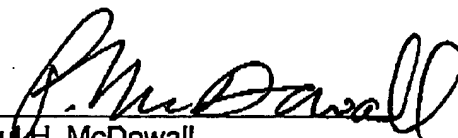
Applicants herewith submit amended portions of the specification to meet the objections recited regarding several aspects thereof and respectfully suggest that the objections have been met and should be withdrawn.

Conclusion

Applicants respectfully suggest that all pending claims are in condition for allowance and the Examiner is earnestly solicited to issue a Notice of Allowance in due course. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

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